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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2872 of 2026

Rajkumari Turkar W/o Late Mahesh Lal Turkar Aged About 63 Years R/o
Ambedkar Ward, Naharpara, District Kondagaon, C.G.

... Petitioner

versus

1 - State Of Chhattisgarh Through Principal Secretary, School Education,
Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, C.G.

2 - Joint Director (Treasury Account And Pension) Jagdalpur, Dist. Bastar,
C.G.

3 - Chief Manager Bank Of India, Kondagaon, Dist. Kondagaon, C.G.

... Respondents

Order Sheet

30.03.2026	Mr.Tarendra Kumar Jha, Counsel for the petitioner. Mr. Lav Sharma, Panel Lawyer for the State. Heard. Issue notice to respondents. Ld. State counsel accepts notice on behalf of respondents, hence process fee is not required to be paid. He prays for and is granted six week's time to file reply. Also heard on IA No. 01/2026, which is an application for grant of interim relief/stay. Learned counsel for petitioner submits that petitioner was granted pension after death of her husband according to the rules. However, when respondent bank started deducting the amount from the pension paid to petitioner, she verified and upon verification she was informed that excess amount has been paid towards pension from 2019 onwards. The excess amount if any paid to petitioner, it may not be the fault of petitioner however, it is the mistake of bank authorities, therefore, the recovery is bad in law. In support of his contention he relies upon the judgment passed by Hon'ble Supreme Court in the case of <u>State of Punjab v. Rafiq Masih, (2015) 4 SCC 334.</u> Learned counsel for respondent no. 3 would oppose
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the submission made by learned counsel for the petitioner however she submit that excess payment is made by the bank employees. Bank authorities can recover the amount as there is no relation between the petitioner and the died employee. She further submits that she will file reply to interim application.

On due consideration of the submission of learned counsel for the respective parties, considering that petitioner is surviving only on the amount of pension she received, therefore, purely as an interim measure, it is directed that no recovery proceedings shall be made with respect to the amount of pension paid to petitioner till the next date of hearing.

List this case in the month of June, 2026.

sd/-

(Parth Prateem Sahu)

Judge

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